

IN THE DISTRICT COURT OF THE UNITED STATES  
WESTERN DISTRICT OF NORTH CAROLINA  
Asheville Division

THERON MULLINAX,  
Guardian Ad Litem for  
GEORGE HOWARD McELRATH,

Plaintiff,

vs.

ROBERT G. WARREN and wife,  
VIKI B. WARREN, and  
MOUNTAIN TOP FARMS, LLC,

Defendants,

and

UNITED STATES OF AMERICA, and  
CENTRAL CAROLINA BANK,

Intervenor-Defendants.

CIVIL NO. 1:05CV61

**ORDER APPROVING SETTLEMENT**

THIS MATTER is before the Court upon request of Intervenor-Defendant United States of America for the approval by the Court of a proposed settlement that has been reached by and among, and with respect to the claims pending among, the Plaintiff Theron Mullinax, Guardian Ad Litem for George Howard McElrath, and the Intervenor-Defendants United States of America and Central Carolina Bank, now SunTrust Bank.

Having heard argument from counsel for Plaintiff, Defendants and Intervenor-Defendants, and having made inquiry of the Guardian Ad Litem for George Howard McElrath, the Court finds and concludes that the Settlement Agreement and Release proposed by the settling parties, a copy of which is annexed to this Order, is in the best interest of all parties and, with particular respect to George Howard McElrath, is fair and reasonable.

IT IS NOW, THEREFORE, ORDERED that such Settlement Agreement and Release is hereby approved.

Signed: January 24, 2006

A handwritten signature in black ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

